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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH MILLER,

Plaintiff,

v.

OPEN DOOR COMMUNITY HEALTH
CENTERS, a California corporation, dba
ARCATA OPEN DOOR CLINIC, and DOES
ONE to FIFTY, inclusive,

Defendants.

Case No.

Civil Rights

COMPLAINT FOR INJUNCTIVE RELIEF
AND DAMAGES: DENIAL OF CIVIL
RIGHTS OF A DISABLED PERSON IN
VIOLATION OF THE AMERICANS WITH
DISABILITIES ACT OF 1990; VIOLATION
OF CALIFORNIA'S CIVIL RIGHTS
STATUTES

JURY TRIAL REQUESTED

Plaintiff **ELIZABETH MILLER** complains of defendants **OPEN DOOR COMMUNITY HEALTH CENTERS, a California corporation, dba ARCATA OPEN DOOR CLINIC, and DOES ONE to FIFTY, inclusive,** and alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction of this action pursuant to 28 **USC** § 1331 for violations of the ***Americans with Disabilities Act of 1990***, (42 **USC** § 12101, *et seq.*) Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same facts, are also brought under California law, including, but not limited to, violations of ***California Health & Safety Code*** § 19955, *et seq.*, including ***California Code of Regulations***, Title 24, § 19959, ***California Civil Code*** §§ 51, 51.5, 52(a), 52.1, 54, 54.1, 54.3 and 55.

2. Venue is proper in this court pursuant to 28 **USC** § 1391(b) and is founded on the fact that the real property which is the subject of this action is located in this district, at Arcata, Humboldt, California, and that Plaintiff's causes of action arose in this district.

INTRODUCTION

3. **ARCATA OPEN DOOR CLINIC** is located at 770 10th Street, Arcata, California. Said health clinic is owned and operated by defendants **OPEN DOOR COMMUNITY HEALTH CENTERS** and **DOES ONE to FIFTY, inclusive**.

4. Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS** and **DOES ONE to FIFTY, inclusive**, operate an establishment for services to the public and at which Defendants failed to provide barrier free access to said establishment in conformity with both Federal and California legal requirements. Further, Defendants failed to provide compliance as follows:

Entrance

1. The accessible rear entrance given for the clinic is in violation of California Title 24 §1133B.1.1.1, ADAAG 4.3.1*, 4.3.2(2), 6.2.
2. There is a storage container blocking one of the accessible parking spaces in violation of California Title 24 §1129B.1, §1121B.1, ADAAG 4.4.1*.

Inside Clinic

3. The security door(s) between the front and the back office are not accessible requiring assistance to be let through in violation of California Title 24 §1133B.2.3.1, §1133B.2.4.4, ADAAG 4.3.2(3), 4.13.7.

Women's Restroom

4. The women's restroom door is blocked in violation of California Title 24 §1115B.7.2, ADAAG 4.3.1*.

The above barriers interfered with Plaintiff's access of the facilities and continue to deter Plaintiff from visiting said facilities, and as a legal result, Plaintiff **ELIZABETH MILLER** suffers violations of her civil rights to full and equal enjoyment of goods, services, facilities and privileges, and has and will suffer embarrassment and humiliation.

FACTUAL ALLEGATIONS

5. Plaintiff **ELIZABETH MILLER** is, and at all times relevant to this Complaint is, a

1 “physically handicapped person, “physically disabled person,” and a “person with a disability,”
 2 as these terms are used under California law and under federal laws including, but not limited
 3 to, Title III of the ***Americans with Disabilities Act of 1990***. (The terms “physically
 4 handicapped person,” “physically disabled person,” and a “person with a disability” will be used
 5 interchangeably throughout this Complaint.) Plaintiff is a “person with a disability,” as defined
 6 by all applicable California and United State’s laws. Plaintiff **ELIZABETH MILLER** is severely
 7 limited in the use of her legs.

8 6. Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS and DOES ONE**
 9 **to FIFTY, inclusive**, at all times relevant herein were and are the owners and operators;
 10 lessors and/or lessees, franchisers and/or franchisees, of public facilities known as the
 11 **“ARCATA OPEN DOOR CLINIC”** located at Arcata, California, subject to the requirements of
 12 California state law requiring full and equal access to public facilities pursuant to ***California***
 13 ***Health & Safety Code*** § 19955, *et seq.*, ***California Civil Code*** §§ 51, 51.5, 52(a), 52.1, 54,
 14 54.1, 54.3 and 55, and subject to Title III of the ***Americans with Disabilities Act of 1990***, and
 15 to all other legal requirements referred to in this Complaint. Plaintiff does not know the relative
 16 responsibilities of defendants in the operation of the facilities herein complained of, and alleges
 17 a joint venture and common enterprise by all such defendants.

18 7. Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS and DOES ONE**
 19 **to FIFTY, inclusive** (hereinafter alternatively referred to collectively as “defendants”), at all
 20 times relevant herein were and are owners, possessors, builders and keepers of the **“ARCATA**
 21 **OPEN DOOR CLINIC”** in Arcata, California.

22 8. Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS, and DOES ONE**
 23 **to FIFTY, inclusive** are the owners and operators of the subject **“ARCATA OPEN DOOR**
 24 **CLINIC”** at all times relevant to this Complaint. Plaintiff is informed and believes that each of
 25 the defendants herein is the agent, employee or representative of each of the other
 26 defendants, and performed all acts and omissions stated herein within the scope of such
 27 agency or employment or representative capacity and is responsible in some manner for the
 28 acts and omissions of the other defendants in legally causing the damages complained of

1 herein, and have approved or ratified each of the acts or omissions of each other defendant,
2 as herein described.

3 9. Plaintiff **ELIZABETH MILLER** does not know the true names and capacities of
4 defendants **OPEN DOOR COMMUNITY HEALTH CENTERS and DOES ONE to FIFTY,**
5 **inclusive**, their business capacities, their ownership connection to the property and business,
6 nor their relative responsibilities in causing the access violations herein complained of, and
7 alleges a joint venture and common enterprise by all such defendants. Plaintiff is informed and
8 believes that each of the defendants herein, including DOES ONE to FIFTY, inclusive, is the
9 agent, ostensible agent, master, servant, employer, employee, representative, franchiser,
10 franchisee, joint venturer, partner, and associate, or such similar capacity, of each of the other
11 defendants, and was at all times acting and performing, or failing to act or perform, with the
12 authorization, consent, permission or ratification of each of the other defendants, and is
13 responsible in some manner for the acts and omissions of the other defendants in legally
14 causing the violations and damages complained of herein, and have approved or ratified each
15 of the acts or omissions of each other defendant, as herein described. Plaintiff will seek leave
16 to amend this Complaint when the true names, capacities, connections and responsibilities of
17 defendants **OPEN DOOR COMMUNITY HEALTH CENTERS, and DOES ONE to FIFTY,**
18 **inclusive**, are ascertained.

19 10. Plaintiff is informed and believes that all named defendants, including DOES
20 ONE to FIFTY, inclusive, conspired to commit the acts described herein, or alternatively, aided
21 and abetted one another in the performance of the wrongful acts hereinafter alleged.

22 11. Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS and DOES ONE**
23 **to FIFTY, inclusive**, are the owners and operators of the "**ARCATA OPEN DOOR CLINIC**"
24 located at Arcata, California. This health clinic, including, but not limited to, parking spaces
25 and access aisles and access routes, are each a part of a "public accommodation or facility"
26 subject to the requirements of *California Health & Safety Code* § 19955, *et seq.*, and of
27 *California Civil Code* §§ 51, 52(a), 54, 54.1, *et seq.* On information and belief, this "**ARCATA**
28 **OPEN DOOR CLINIC**" health clinic was constructed after 1990, which has subjected the

1 "ARCATA OPEN DOOR CLINIC" health clinic to handicapped access requirements per
2 **California Health & Safety Code** § 19959, and applicable portions of **California Code of**
3 **Regulations**, Title 24, (the State Building Code).

4 12. On or about February 20, 2008, Plaintiff **ELIZABETH MILLER**, visited the
5 "ARCATA OPEN DOOR CLINIC" in Arcata, California for the purpose of obtaining medical
6 services. Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS and DOES ONE to**
7 **FIFTY, inclusive**, interfered with Plaintiff's access to the "ARCATA OPEN DOOR CLINIC" as
8 set forth in Paragraph 4 above.

9 Said acts and omissions denied Plaintiff legal handicapped access to the "**ARCATA**
10 **OPEN DOOR CLINIC**" according to federal and state law.

11 13. Plaintiff's home, in Arcata, California, is approximately 2 miles from the
12 "ARCATA OPEN DOOR CLINIC" in Arcata, California. Plaintiff intends to return to "**ARCATA**
13 **OPEN DOOR CLINIC**" in Arcata, California when this public accommodation is made
14 accessible.

15 14. Plaintiff encountered and/or is informed and believes that the following
16 architectural barriers, which violate the requirements of the **California Code of Regulations**
17 Title 24 and **ADAAG**, existed and continue to exist thereby denying Plaintiff and those similarly
18 situated full and equal access to the subject public facility as set forth in Paragraph 4 above.

19 15. Defendants, and each of them, discriminated against Plaintiff **ELIZABETH**
20 **MILLER** on the basis of her physical disability, and interfered with her access to the "**ARCATA**
21 **OPEN DOOR CLINIC**" establishment, in violation of both California law including, but not
22 limited to, **California Civil Code** §§ 51, 51.5, 54, 54.1, and a violation of Title III, §302, the
23 "Prohibition of Discrimination" provision and §503, the "Prohibition Against Retaliation or
24 Coercion" provision of the **Americans with Disabilities Act of 1990**.

25 16. As a result of the actions and failure to act of defendants, and each of them, and
26 as a result of the failure to provide appropriate accessible parking, proper signage, proper
27 accessible entryways, and accessible accommodations for a health clinic, Plaintiff **ELIZABETH**
28 **MILLER** suffered and will suffer a loss of her civil rights to full and equal access to public

1 facilities, and further suffered and will suffer emotional distress, mental distress, mental
 2 suffering, mental anguish, which includes shame, humiliation, embarrassment, anger, chagrin,
 3 disappointment and worry, expectedly and naturally associated with a person with a physical
 4 disability being denied access to a public accommodation, all to her damages as prayed
 5 hereinafter in an amount within the jurisdiction of this court.

6 **I. FIRST CAUSE OF ACTION:**

7 VIOLATION OF ***THE AMERICANS WITH DISABILITIES ACT OF 1990***
 8 (42 ***USC*** §12101 *et seq.*)

9 17. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
 10 the allegations contained in paragraphs 1 through 16 of this Complaint and incorporates them
 11 herein as if separately replied.

12 18. Pursuant to law, in 1990 the United States Congress made findings per 42 ***USC***
 13 § 12101 regarding persons with physical disabilities, finding that laws were needed to more
 14 fully protect 43 million Americans with one or more physical or mental disabilities; [that]
 15 historically society has tended to isolate and segregate individuals with disabilities; [that] such
 16 forms of discrimination against individuals with disabilities continue to be a serious and
 17 pervasive social problem; [that] the nation's proper goals regarding individuals with disabilities
 18 are to assure equality of opportunity, full participation, independent living and economic self-
 19 sufficiency for such individuals; [and that] the continuing existence of unfair and unnecessary
 20 discrimination and prejudice denies people with disabilities the opportunity to compete on an
 21 equal basis and to pursue those opportunities for which our free society is justifiably famous.

22 19. Congress stated as its purpose in passing the ***Americans with Disabilities Act***
 23 ***of 1990*** (42 ***USC*** § 12102):

24 It is the purpose of this act (1) to provide a clear and comprehensive
 25 national mandate for the elimination of discrimination against individuals with
 26 disabilities; (2) to provide clear, strong, consistent, enforceable standards
 27 addressing discrimination against individuals with disabilities; (3) to ensure that
 28 the Federal government plays a central role in enforcing the standards
 established in this act on behalf of individuals with disabilities; and (4) to invoke
 the sweep of Congressional authority, including the power to enforce the 14th
 Amendment and to regulate commerce, in order to address the major areas of
 discrimination faced day to day by people with disabilities.

20. As part of the ***Americans with Disabilities Act of 1990***, Public Law 101-336 (hereinafter the “ADA”), Congress passed “Title III - Public Accommodations and Services Operated by Private Entities” (42 **USC** § 12181 *et seq.*). Among the public accommodations identified for purposes of this title were “a Laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment; . . .”

21. Pursuant to 42 **USC** § 12182,

“No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”

22. Among the general prohibitions against discrimination were included in 42 **USC** §12182(b)(1)(A)(i):

Denial of participation. It shall be discriminatory to subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

23. Among the general prohibitions against discrimination were included in 42 **USC** §12182(b)(1)(E):

Association -- It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

The acts of defendants set forth herein were a violation of Plaintiff’s rights under the ADA, Public Law 101-336, and the regulations promulgated thereunder, 28 **CFR** Part 36 *et seq.*

24. Among the general prohibitions against discrimination were included in 42 **USC** § 12182(b)(2)(A)(i) and 42 **USC** § 12182(b)(2)(A)(ii):

Discrimination. For purposes of subsection (a), discrimination includes -

(i) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with

disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;

(ii) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations.

25. Plaintiff alleges that constructing the eligibility requirements, policies, practices and procedure for entry to the "**ARCATA OPEN DOOR CLINIC**" facility by persons with disabilities and their companions as established by the defendants can be simply modified to eliminate disparate and discriminatory treatment of persons with disabilities by properly constructing barrier free handicapped access for safe and full and equal enjoyment of the "**ARCATA OPEN DOOR CLINIC**" as that enjoyed by other people.

26. The specific prohibition against retaliation and coercion is included in the *Americans With Disabilities Act of 1990* § 503(b) and the *Remedies and Procedures* in § 503(c):

(b) Interference, Coercion, or Intimidation. - It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

(c) Remedies and Procedure. - The remedies and procedures available under sections 107, 203, and 308 of this Act shall be available to aggrieved persons for violations of subsections (a) and (b), with respect to Title I, Title II and Title III, respectively.

27. Among the specific prohibitions against discrimination were included, in 42 **USC** § 12182(b)(2)(a)(iv), "A failure to remove architectural barriers, and communications barriers that are structural in nature, in existing facilities...where such removal is readily achievable;" and (v) "where and entity can demonstrate that the removal of a barrier under clause (iv) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable." The acts of Defendants set forth herein were a violations of Plaintiff's rights under

1 the "ADA," Public Law 101-336, and the regulations promulgated thereunder, 28 **CFR** Part 36,
 2 *et seq.*

3 28. The removal of the barriers complained of by Plaintiff as hereinabove alleged
 4 were at all times after 1990 "readily achievable." On information and belief, if the removal of all
 5 the barriers complained of here together were not "readily achievable," the removal of each
 6 individual barrier complained of herein was "readily achievable."

7 29. Per 42 **USC** § 12181(9), "The term 'readily achievable' means easily
 8 accomplishable and able to be carried out without much difficulty or expense." The statute and
 9 attendant regulations define relative "expense" in relation to the total financial resources of the
 10 entities involved, including any "parent" companies. Plaintiff alleges that properly repairing
 11 each of the items that Plaintiff complains of herein is readily achievable, including, but not
 12 limited to, correcting and repairing the items set forth in Paragraph 4 above.

13 The changes needed to remove barriers to access for the disabled were and are
 14 "readily achievable" by the defendants under standards set forth under 42 **USC** § 12181 of the
 15 ***Americans with Disabilities Act of 1990***. (Further, if it was not "readily achievable" for
 16 defendants to remove all such barriers, defendants have failed to make the required services
 17 available through alternative methods, although such methods are achievable as required by
 18 42 **USC** §12181(b)(2)(a)(iv), (v).)

19 30. Pursuant to the ***Americans with Disabilities Act of 1990***, §308 (42 **USC** §
 20 12188 *et seq.*), Plaintiff is entitled to the remedies and procedures set forth in the ***Civil Rights***
 21 ***Act of 1964*** §204(a), (42 **USC** § 2000a-3(a)), as Plaintiff is being subjected to discrimination
 22 on the basis of disability in violation of this title and/or Plaintiff has reasonable grounds for
 23 believing that she is about to be subjected to discrimination in violation of ***Americans With***
 24 ***Disabilities Act of 1990*** §302. Plaintiff cannot return to or make use of the public facilities
 25 complained of herein for the purpose of entry and provision of goods and service so long as
 26 defendants continue to apply eligibility criteria, policies, practices and procedures to screen out
 27 and refuse to allow entry and service to persons with disabilities such as Plaintiff's.

28 31. Defendants', and each of their acts and omissions of failing to provide barrier free

handicapped access for Plaintiff, were tantamount to interference, coercion or intimidation pursuant to **Americans With Disabilities Act of 1990** §503(b) (now 42 **USC** § 12203):

It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

32. Per **Americans With Disabilities Act of 1990** § 308(a)(1) (now 42 **USC** § 12188), "Nothing in this section shall require a person with a disability to engage in a futile gesture if such person has actual notice that a person or organization covered by this title does not intend to comply with its provisions." Pursuant to this last section, Plaintiff, on information and belief, alleges that defendants have continued to violate the law and deny the rights of Plaintiff and other disabled persons to access this public accommodation for the purpose of health care. Therefore, Plaintiff seeks injunctive relief pursuant to §308(a)(2),

"...Where appropriate, injunctive relief shall also include requiring the provision of an auxiliary aid or service, modifications of a policy, or provision of alternative methods, to the extent required by this title."

33. Plaintiff seeks relief pursuant to remedies set forth in § 204(a) of the **Civil Rights Act of 1964** (42 **USC** § 2000a-3(a), and pursuant to federal regulations adopted to implement the **Americans with Disabilities Act of 1990**, including, but not limited to, an order granting injunctive relief and attorneys' fees. Such attorneys' fees, "including litigation expenses and costs," are further specifically provided for by §505 of Title III.

WHEREFORE, Plaintiff prays for damages as hereinafter stated.

II. SECOND CAUSE OF ACTION

BREACH OF STATUTORY PROTECTIONS FOR PERSONS WITH PHYSICAL DISABILITIES (**California Health & Safety Code** § 19955, *et seq.*)

34. Plaintiff repleads and incorporates by reference, as if fully set forth again herein, the allegations contained in paragraphs 1 through 33 of this Complaint and incorporate them herein as if separately repled.

35. **California Health & Safety Code** § 19955 provides in pertinent part:

The purpose of this part is to insure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Sec. 4450) of Division 5 of Title 1 of the **Government Code**. For the purposes of this part "public accommodation or

1 facilities" means a building, structure, facility, complex, or improved area which is
2 used by the general public and shall include auditoriums, hospitals, theaters,
3 restaurants, hotels, motels, stadiums, and convention centers. When sanitary
4 facilities are made available for the public, clients or employees in such
5 accommodations or facilities, they shall be made available for the handicapped.

6 36. **California Health & Safety Code** § 19956, which appears in the same chapter
7 as §19955, provides in pertinent part, "accommodations constructed in this state shall conform
8 to the provisions of Chapter 7 (commencing with Sec. 4450) of Division 5 of Title 1 of the
9 *Government Code*..." **California Health & Safety Code** § 19956 was operative July 1, 1970,
10 and is applicable to all public accommodations constructed or altered after that date. On
11 information and belief, portions of "**ARCATA OPEN DOOR CLINIC**" and/or of its buildings,
12 were constructed and/or altered after July 1, 1970, and substantial portions of said building
13 had alterations, structural repairs, and/or additions made to such public accommodations after
14 July 1, 1970, thereby requiring said public accommodations and/or buildings to be subject to
15 the requirements of Part 5.5, **California Health & Safety Code** § 19955, *et seq.*, upon such
16 alteration, structural repairs or additions per **California Health & Safety Code** § 19959.

17 37. Pursuant to the authority delegated by **California Government Code** § 4450, *et*
18 *seq.*, the State Architect promulgated regulations for the enforcement of these provisions.
19 Effective January 1, 1982, Title 24 of the **California Administrative Code** adopted the
20 California State Architect's Regulations and these regulations must be complied with as to any
21 alterations and/or modifications of the "**ARCATA OPEN DOOR CLINIC**" occurring after that
22 date. Construction changes occurring prior to this date but after July 1, 1970 triggered access
23 requirements pursuant to the "ASA" requirements, the **American Standards Association**
24 **Specifications**, A117.1-1961. On information and belief, at the time of the construction and
25 modification of said building, all buildings and facilities covered were required to conform to
26 each of the standards and specifications described in the **American Standards Association**
27 **Specifications** and/or those contained in Title 24 of the **California Administrative Code**,
28 (now known as Title 24, **California Code of Regulations**.)

38. Public facilities, such as "**ARCATA OPEN DOOR CLINIC**" are public
accommodations or facilities within the meaning of **California Health & Safety Code** § 19955,

1 *et seq.*

2 39. It is difficult or impossible for persons with physical disabilities who use
3 wheelchairs, canes, walkers and service animals to travel about in public to use a health clinic
4 with the defects set forth in Paragraph 4 above as required by Title 24 of the **California Code**
5 **of Regulations** and the **Americans with Disabilities Act Access Guidelines (ADAAG)**.
6 Thus, when public accommodations fail to provide handicap accessible public facilities,
7 persons with physical disabilities are unable to enter and use said facilities, and are denied full
8 and equal access to and use of that facility that is enjoyed by other members of the general
9 public.

10 40. Plaintiff **ELIZABETH MILLER** and other similarly situated persons with physical
11 disabilities whose physical conditions require the use of wheelchairs, canes, walkers and
12 service animals are unable to use public facilities on a "full and equal" basis unless each such
13 facility is in compliance with the provisions of the **California Health & Safety Code** § 19955,
14 *et seq.* Plaintiff is a member of that portion of the public whose rights are protected by the
15 provisions of **California Health & Safety Code** § 19955, *et seq.*

16 41. The **California Health & Safety Code** was enacted "[t]o ensure that public
17 accommodations or facilities constructed in this state with private funds adhere to the
18 provisions of Chapter 7 (commencing with §4450) of Division 5 of Title 1 of the *Government*
19 *Code*." Such public accommodations are defined to include health clinics.

20 42. Plaintiff is further informed and believes that as of the date of filing this
21 Complaint, Defendants have not made accessible the facilities at the subject health clinic as
22 set forth in Paragraph 4 above.

23 43. Plaintiff **ELIZABETH MILLER** is informed and believes, and therefore alleges,
24 that Defendants **OPEN DOOR COMMUNITY HEALTH CENTERS, and DOES ONE to FIFTY,**
25 **inclusive**, and each of them, caused the subject buildings constituting "**ARCATA OPEN**
26 **DOOR CLINIC**" to be constructed, altered and maintained in such a manner that persons with
27 physical disabilities were denied full and equal access to, within and throughout said buildings
28 and were denied full and equal use of said public facilities, and despite knowledge and actual

1 and constructive notice to such Defendants that the configuration of the health clinic and/or
2 buildings was in violation of the civil rights of persons with physical disabilities, such as
3 Plaintiff. Such construction, modification, ownership, operation, maintenance and practices of
4 such public facilities are in violation of law as stated in Part 5.5, **California Health & Safety**
5 **Code** § 19955, *et seq.*, and elsewhere in the laws of California.

6 44. On information and belief, the subject building constituting the public facilities of
7 “**ARCATA OPEN DOOR CLINIC**” denied full and equal access to Plaintiff and other persons
8 with physical disabilities in other respects due to non-compliance with requirement of Title 24
9 of the **California Code of Regulations** and **California Health & Safety Code** § 19955, *et*
10 *seq.*

11 45. The basis of Plaintiff’s aforementioned information and belief is the various
12 means upon which Defendants must have acquired such knowledge, including, but not limited
13 to, this lawsuit, other access lawsuits, communications with operators of other health clinics
14 and other property owners regarding denial access, communications with Plaintiff and other
15 persons with disabilities, communications with other patrons who regularly visit there,
16 communications with owners of other businesses, notices and advisories they obtained from
17 governmental agencies through the mails, at seminars, posted bulletins, television, radio,
18 public service announcements, or upon modification, improvement, alteration or substantial
19 repair of the subject premises and other properties owned by these Defendants, newspaper
20 articles and trade publications regarding the **Americans with Disabilities Act of 1990** and
21 other access law, and other similar information. The scope and means of the knowledge of
22 each defendant is within each defendant’s exclusive control and cannot be ascertained except
23 through discovery.

24 46. As a result of Defendants’ acts and omissions in this regard, Plaintiff has been
25 required to incur legal expenses and hire attorneys in order to enforce her civil rights and
26 enforce provisions of the law protecting access for persons with physical disabilities and
27 prohibiting discrimination against persons with physical disabilities, and to take such action
28 both in her own interests and in order to enforce an important right affecting the public interest.

1 Plaintiff, therefore, seeks damages in this lawsuit for recovery of all reasonable attorneys' fees
2 incurred, pursuant to the provisions of the **California Code of Civil Procedure** § 1021.5.
3 Plaintiff additionally seeks attorneys' fees pursuant to **California Health & Safety Code** §
4 19953 and **California Civil Code** §§ 54.3 and 55.

5 47. Defendants, and each of them, at times prior to and including February 20, 2008,
6 and continuing to the present time, knew that persons with physical disabilities were denied
7 their rights of equal access to all portions of this public facility. Despite such knowledge,
8 Defendants failed and refused to take steps to comply with the applicable access statutes; and
9 despite knowledge of the resulting problems and denial of civil rights thereby suffered by
10 Plaintiff **ELIZABETH MILLER** and other similarly situated persons with disabilities, including
11 the specific notices referred to in paragraph 43 of this Complaint. Defendants have failed and
12 refused to take action to grant full and equal access to persons with physical disabilities in the
13 respects complained of hereinabove. Defendants and each of them have carried out a course
14 of conduct of refusing to respond to, or correct complaints about, denial of handicap access.
15 Such actions and continuing course of conduct by Defendants, evidence despicable conduct in
16 conscious disregard for the rights or safety of Plaintiff and of other similarly situated persons,
17 justifying an award of treble damages pursuant to **California Civil Code** § 54.3.

18 48. Defendants' actions have also been oppressive to persons with physical
19 disabilities and of other members of the public, and have evidenced actual or implied malicious
20 intent toward those members of the public, such as Plaintiff and other persons with physical
21 disabilities who have been denied the proper access they are entitled to by law. Further,
22 Defendants' refusals on a day-to-day basis to correct these problems evidence despicable
23 conduct in conscious disregard for the rights of Plaintiff and other members of the public with
24 physical disabilities.

25 49. Plaintiff prays for an award of treble damages against Defendants, and each of
26 them, pursuant to **California Civil Code** § 54.3 in an amount sufficient to make a more
27 profound example of Defendants and discourage owners, operators, franchisers and
28 franchisees of other public facilities from willful disregard of the rights of persons with physical

1 disabilities.

2 50. As a result of the actions and failure of Defendants, and each of them, and as a
3 result of the failure to provide proper accessible public facilities, Plaintiff **ELIZABETH MILLER**
4 was denied her civil rights, including her right to full and equal access to public facilities, was
5 embarrassed and humiliated, suffered physical, psychological and mental injuries and
6 emotional distress, mental distress, mental suffering, mental anguish, which includes shame,
7 humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and
8 naturally associated with a person with a physical disability being denied access to a public
9 accommodation.

10 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

11 **III. THIRD CAUSE OF ACTION**

12 VIOLATION OF CALIFORNIA'S CIVIL RIGHTS ACTS
13 (***California Civil Code*** §§ 54, 54.1 and 54.3)

14 51. Plaintiff repleads and incorporates by reference as if fully set forth again herein,
15 the allegations contained in paragraphs 1 through 50 of this Complaint and incorporates them
16 herein as if separately repled.

17 52. The public facilities above-described constitute public facilities and public
18 accommodations within the meaning of ***California Health & Safety Code*** § 19955 *et seq.* and
19 were facilities to which members of the public are invited. The aforementioned acts and
20 omissions of defendants, and each of them, constitute a denial of equal access to and use and
21 enjoyment of these facilities by persons with disabilities, including Plaintiff **ELIZABETH**
22 **MILLER**. Said acts and omissions are also in violation of provisions of Title 24 of the
23 ***California Code of Regulations***.

24 53. The rights of Plaintiff, the entitlement of Plaintiff to full and equal access and the
25 denial by defendants of such rights and entitlements are set forth in ***California Civil Code*** §§
26 54, 54.1 and 54.3, to wit:

27 Individuals with disabilities shall have the same right as the...general
28 public to full and free use of the streets, highways, sidewalks, walkways, public
buildings, public facilities, and other public places. ***California Civil Code*** §
54(a).

1 Individuals with disabilities shall be entitled to full and equal access, as
2 other members of the general public, to accommodations, advantages, facilities,
3 and privileges of all common carriers, airplanes, motor vehicles, railroad trains,
4 motor buses, streetcars, boats, or any other public conveyances or modes of
5 transportation (whether private, public, franchised, licensed, contracted, or
6 otherwise provided), telephone facilities, adoption agencies, private schools,
7 hotels, lodging places, places of public accommodation, amusement or resort,
8 and other places to which the general public is invited, subject only to the
9 conditions and limitations established by law, or state or federal regulation, and
10 applicable alike to all persons. **California Civil Code** § 54.1(a).

11 54. On or about February 20, 2008, Plaintiff **ELIZABETH MILLER** suffered violations
12 of **California Civil Code** §§ 54 and 54.1 in that she was denied full and equal enjoyment of the
13 goods, services, facilities and privileges of said **ARCATA OPEN DOOR CLINIC**, as set forth in
14 paragraph 4 above.

15 Plaintiff was also denied full and equal access to other particulars, including, but not
16 limited to, those described hereinabove. Plaintiff was also denied use of facilities that she was
17 entitled to under Title III of the **Americans with Disabilities Act of 1990**.

18 55. As a result of the denial of full and equal enjoyment of the goods, services,
19 facilities and privileges of defendants' **ARCATA OPEN DOOR CLINIC** due to the acts and
20 omissions of defendants, and each of them, in owning, operating and maintaining this subject
21 public facility, Plaintiff suffered violations of her civil rights, including, but not limited to, rights
22 under **California Civil Code** §§ 54, 54.1, and 54.3, and has and will suffer physical injury,
23 emotional distress, mental distress, mental suffering, mental anguish, which includes shame,
24 humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and
25 naturally associated with a disabled person's denial of full and equal enjoyment of goods,
26 services, privileges, etc. all to her damages as prayed hereinafter in an amount within the
27 jurisdiction of the court. Defendant's actions and omissions to act constituted discrimination
28 against Plaintiff on the sole basis that Plaintiff was physically disabled.

56. Plaintiff seeks damages for the violation of her rights as a disabled person on or
about February 20, 2008, according to proof, pursuant to **California Civil Code** § 54.3,
including a trebling of all statutory and actual damages, general and special, available pursuant
to **California Civil Code** § 54.3(a).

1 57. As a result of defendants' acts and omissions in this regard, Plaintiff **ELIZABETH**
2 **MILLER** has been required to incur legal expenses and hire attorneys in order to enforce her
3 rights and enforce provisions of the law protecting the full and equal enjoyment of goods,
4 services, facilities, privileges of public facilities by the disabled, and those individuals
5 associated with or accompanied by a person with disabilities, and prohibiting discrimination
6 against the disabled. Plaintiff, therefore, seeks recovery in this lawsuit for all reasonable
7 attorneys' fees incurred pursuant to the provisions of **California Civil Code** § 55. Additionally,
8 Plaintiff's lawsuit is intended not only to obtain compensation for damages to Plaintiff, but also
9 to compel the defendants to make their goods, services, facilities and privileges available and
10 accessible to all members of the public with physical disabilities, justifying public interest
11 attorneys' fees pursuant to the provisions of **California Code of Civil Procedure** § 1021.5.

12 58. The acts and omissions of defendants in failing to provide the required
13 accessible facilities subsequent to the enactment date and compliance date of the **Americans**
14 **with Disabilities Act of 1990**, and refusal to make remedial modifications and alterations to its
15 handicapped parking, handicapped signage, pathways, and other elements as hereinabove
16 stated, after being notified by patrons before and after the time of Plaintiff's visit and injuries,
17 on or about February 20, 2008, and all times prior thereto with the knowledge that persons with
18 disabilities would enter defendants' premises, the reason given therefor, was an established
19 policy, practice and procedure of refusing and denying entry, thereby denying services to a
20 person with disabilities and the companions thereof, evidence malice and oppression toward
21 Plaintiff and other disabled persons.

22 59. Plaintiff seeks injunctive relief pursuant to **California Civil Code** § 55 to require
23 Defendants to comply with federal and state access regulations.

24 60. Defendants have failed to establish a nondiscriminatory criteria, policy, practice
25 and procedure for entry into said "**ARCATA OPEN DOOR CLINIC**" as hereinabove described.

26 61. As a result of defendants' continuing failure to provide for the full and equal
27 enjoyment of goods, services, facilities and privileges of said "**ARCATA OPEN DOOR CLINIC**"
28 as hereinabove described, Plaintiff has continually been denied her rights to full and equal

1 enjoyment of the subject health clinic, as it would be a "futile gesture" to attempt to patronize
2 said "**ARCATA OPEN DOOR CLINIC**" with the discriminatory policy in place as hereinabove
3 described.

4 62. The acts and omissions of defendants as complained of herein in failing to
5 provide the required accessible facilities subsequent to the enactment date and compliance
6 date of the ***Americans with Disabilities Act of 1990*** and refusal to make remedial
7 modifications and alternations to the architectural barriers as stated herein and in failing to
8 establish practices, policies and procedures to allow safe access by persons who are disabled
9 are continuing on a day-to-day basis to have the effect of wrongfully and willfully excluding
10 Plaintiff and other members of the public who are physically disabled, from full and equal
11 enjoyment of the subject "**ARCATA OPEN DOOR CLINIC**" as hereinabove described. Such
12 acts and omissions are the continuing cause of humiliation and mental and emotional suffering
13 of Plaintiff in that these actions continue to treat Plaintiff as an inferior and second class citizen
14 and serve to discriminate against her on the sole basis that she is physically disabled. Plaintiff
15 is unable, so long as such acts and omissions of defendants continue, to achieve full and
16 equal enjoyment of the goods and services of said "**ARCATA OPEN DOOR CLINIC**" as
17 described hereinabove. The acts of defendants have legally caused and will continue to cause
18 irreparable injury to Plaintiff if not enjoined by this court.

19 63. Wherefore, Plaintiff asks this court to preliminarily and permanently enjoin any
20 continuing refusal by defendants to permit entry to said "**ARCATA OPEN DOOR CLINIC**" and
21 to serve Plaintiff or others similarly situated, and to require defendants to comply forthwith with
22 the applicable statutory requirements relating to the full and equal enjoyment of goods and
23 services as described hereinabove for disabled persons. Such injunctive relief is provided by
24 ***California Civil Code*** § 55. Plaintiff further requests that the court award statutory costs and
25 attorneys' fees to Plaintiff pursuant to ***California Civil Code*** § 55 and ***California Code of Civil***
26 ***Procedure*** § 1021.5, all as hereinafter prayed for.

27 WHEREFORE, Plaintiff prays for compensatory damages, reasonable attorneys' fees
28 and costs of suit, as allowed by statute and according to proof.

1 **IV. FOURTH CAUSE OF ACTION**
 2 VIOLATIONS OF **UNRUH CIVIL RIGHTS ACT**
 3 (**California Civil Code** §§ 51 and 51.5)

4 64. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
 5 the allegations contained in paragraphs 1 through 63 of this Complaint and incorporates them
 6 herein as if separately replied.

7 65. Defendants' acts and omissions as specified with regard to the discriminatory
 8 treatment of Plaintiff **ELIZABETH MILLER** on the basis of her physical disabilities, have been
 9 in violation of **California Civil Code** §§ 51 and 51.5, the **Unruh Civil Rights Act**, and have
 10 denied to Plaintiff her rights to "full and equal accommodations, advantages, facilities,
 11 privileges or services in all business establishments of every kind whatsoever."

12 66. **California Civil Code** § 51 also provides that "[a] violation of the right of any
 13 individual under the **Americans with Disabilities Act of 1990** (Public Law 101-336) shall also
 14 constitute a violation of this section."

15 67. **California Civil Code** § 51.5 also provides that
 16 "[n]o business establishment of any kind whatsoever shall discriminate against,
 17 boycott, or blacklist, refuse to buy from, sell to, or trade with any person in this
 18 state because of the race, creed, religion, color, national origin, sex, disability of
 19 the person or of the person's partners, members, stockholders, directors,
 20 officers, managers, superintendents, agents, employees, business associates,
 21 suppliers, or customers."

22 68. As a result of the violation of Plaintiff's civil rights protected by **California Civil**
 23 **Code** §§ 51 and, 51.5, Plaintiff is entitled to the rights and remedies of **California Civil Code** §
 24 52, including a trebling of actual damages (defined by **California Civil Code** § 52(h) to mean
 25 "special and general damages"), as well as reasonable attorneys' fees and costs, as allowed
 26 by statute, according to proof.

27 WHEREFORE, Plaintiff prays that this court award damages and provide relief as
 28 follows:

PRAYER FOR RELIEF

Plaintiff prays that this court award damages and provide relief as follows:

1. Grant injunctive relief requiring that defendants establish a non-discriminatory

criteria policy, practice and procedure permitting entry into the **ARCATA OPEN DOOR CLINIC** in Arcata, California, for the purpose of obtaining the goods and services accorded therein according to **California Civil Code** §§ 51, 51.5, 52, 54, 54.1, 54.3, and 55, *et seq.*, and Title III of the **Americans with Disabilities Act of 1990**, and grant injunctive relief requiring that Defendants repair and render safe to disabled persons, and otherwise make accessible, all public areas of the health clinic, including, but not limited to, each of the barriers to access identified in Paragraph 4, above, and make such facilities “readily accessible to and usable by individuals with disabilities,” according to the standards of Title 24 of the **California Administrative Code, California Health & Safety Code** § 19955 *et seq.*, and Title III of the **Americans with Disabilities Act of 1990** and the standards of **ADAAG**; and prohibiting operation of the **ARCATA OPEN DOOR CLINIC**, located in Arcata, California, as a public facility until Defendants provide full and equal enjoyment of goods and services as described hereinabove to physically disabled persons, including Plaintiff;

2. General damages according to proof;

3. Statutory and “actual” damages, including general damages and special damages, according to proof, pursuant to **California Civil Code** §§ 52, and 54.3, and that these damages be trebled;

4. Prejudgment interest on all compensatory damages;

5. Remedies and Procedures available under **Americans with Disabilities Act of 1990** §§ 107, 203 and 308;

6. Award Plaintiff all litigation expenses, all costs of this proceeding and all reasonable attorneys’ fees as provided by law, including, but not limited to, those recoverable pursuant to the provisions of **California Civil Code** §§ 52, 54.3, and 55, **California Code of Civil Procedure** § 1021.5, and **Americans with Disabilities Act of 1990** §308 of Title III; and

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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS**DEFENDANTS**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Amer w/ disab - Empl <input type="checkbox"/> 446 Amer w/ disab - Other <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl.Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____ CHECK YES only if demanded in complaint:
UNDER F.R.C.P. 23 JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD